

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

03-11797 JLT

DESIREE GOODWIN

Plaintiff,

vs.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendant

MAGISTRATE JUDGE Alexander

C.A. NO.

RECEIPT # 50390
AMOUNT \$ 150
SUMMONS ISSUED N/A
LOCAL RULE 4.1 /
WAIVER FORM /
MCF ISSUED /
BY DPTY. CLK. F.O.W.
DATE 9/17/03

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF MASSACHUSETTS, EASTERN SECTION

Pursuant to 28 U.S.C. Sections 1441 and 1446, and Local Rule 81.1, Defendant President and Fellows of Harvard College ("Harvard University") hereby removes the above-entitled action from the Superior Court Department of the Trial Court of Massachusetts for Middlesex County to the United States District Court for the District of Massachusetts. In support of this removal, Harvard University states as follows:

1. Desiree Goodwin has brought a civil action against Harvard University in the Superior Court Department of the Trial Court of Massachusetts for Middlesex County, which action is docketed as Civil Action No. 03-3561 ("the state court action").
2. The Complaint and Jury Demand (the "Complaint") in the state court action was filed with the Civil Clerk for the Superior Court of the Trial Court of Massachusetts for Middlesex County on or about August 26, 2003, and served upon Harvard University on or about September 8, , 2003. A copy of the Complaint and the Summons are filed

herewith as Exhibit "A." Because this notice was filed within 30 days after receipt of service of the Complaint, removal is timely pursuant to 28 U.S.C. Section 1446(b).

3. Count II of the Complaint alleges "discrimination against the plaintiff on the basis of sex and race in violation of 42 USC 2000-e5."

4. This Court has original jurisdiction over Count II of the Complaint pursuant to 28 U.S.C. Section 1331 and the entire case may be removed pursuant to 28 U.S.C. Section 1441(c). The state court action may be removed to this Court by Harvard University because Count II of the Complaint alleges claims arising out of the laws of the United States.

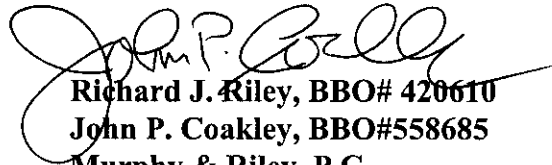
5. Harvard University has not yet filed or served an answer.

6. A copy of this Notice of Removal will be promptly filed with the clerk of the Superior Court for Middlesex County and has been served upon Plaintiff's counsel.

7. Pursuant to Local Rule 81.1 of the United States District Court for the District of Massachusetts, Harvard University shall file certified or attested copies of all docket entries with this Court.

WHEREFORE, Defendant Harvard University respectfully requests that the state court action now pending against it in the Superior Court Department of the Trial Court in and for the County of Middlesex, Commonwealth of Massachusetts, be removed to this Court.

Respectfully submitted,
**PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,**
By their attorneys,

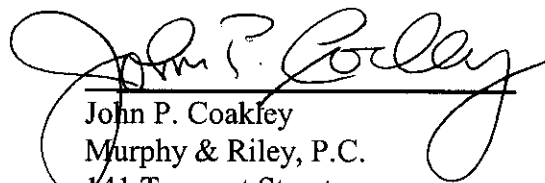


Richard J. Riley, BBO# 420610
John P. Coakley, BBO#558685
Murphy & Riley, P.C.
141 Tremont Street
Boston, MA 02110
(617) 423-3700

CERTIFICATE OF SERVICE

I, John P. Coakley, hereby certify that I have this day served a copy of the foregoing Notice of Removal of State Court Pleadings by mailing a copy of same, postage prepaid to:

Richard D. Clarey
101 Tremont Street
Suite 800
Boston, MA 02108



John P. Coakley
Murphy & Riley, P.C.
141 Tremont Street
Boston, MA 02111
(617) 423-3700

DATED: September 17, 2003



TO PLAINTIFF'S COUNSEL: PLEASE CIRCLE TYPE OF ACTION INVOLVED:
TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

rec'd
9-8-03
M. Mordor
In hand

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION

MIDDLESEX, ss
[seal]

No.

03-3561

DEBRAE GOODWIN, Plaintiff(s)

v.

PRESIDENT + FELLOWS OF
HARVARD COLLEGE, Defendant(s)

TRUE COPY ATES
DEPUTY SHERIFF
Middlesex County

SUMMONS

9-2-03
DATE OF SERVICE
9-8-03

To the above-named Defendant:

You are hereby summoned and required to serve upon RICHARD D. CLAREY
plaintiff's attorney, whose address is 101 TREMONT ST
SUITE 800 BOSTON MA 02108
an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at
CAMBRIDGE either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at CAMBRIDGE
the 27 day of AUGUST
2003, in the year of our Lord

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

FACTUAL ALLEGATIONS

4. The Plaintiff is an African American woman, a graduate of Cornell University, now in her ninth year of employment as a non professional reference assistant librarian with the Defendant. Prior to coming to Harvard she had seven years experience in four different library positions and earned a master's degree in English. She has constantly improved her skills, initiated improvements such as research guides on the library's web page, has excellent evaluations and has attained her second master's degree, in library science, with honors, in 1999. She has been commended for her reference skills and professionalism and tact in handling patron inquiries especially billing disputes.
5. When she was hired, Defendant represented to Plaintiff orally and through its personnel policies and guidelines that her job provided an opportunity for professional development and advancement, and that all employees were treated fairly and equitably and judged and promoted on merit and ability. An example of such a representation is attached and marked "A". This policy statement appears in every issue of the Harvard Gazette, an official publication of Defendant. These representations are part of Plaintiff's contract.
6. Upon information and belief, Defendant has the largest library system in the world consisting of almost 100 libraries throughout the University employing about 1000 professional librarians, less than ten of them black; only two in public services, both at the business school.

7. This dismal record belies Defendant's frequent statements of its commitment "to recruit a diverse workforce". See memorandum from the Harvard College Library's Director of Human Resources attached and marked "B". Plaintiff has applied for advancement at the university for thirteen positions but has granted only two interviews, one phone interview, and never been promoted during her entire career at Harvard. She has never been given any criteria for promotion. Plaintiff is the only employee now working at the reference desk with significant years of reference experience who is not a professional librarian.
8. During this time several less qualified, less experienced white male and/or white female applicants have been interviewed and promoted or have attained positions at Harvard that Plaintiff has sought. In the fall of 2001, when Plaintiff had been employed eight years, it was proposed that Plaintiff accept half time employment in the form of demotion to work in the serials bindery twenty hours per week rather than in public services, even though two other employees with less experience including a white male with two years experience were obvious candidates for the demotion.
9. Also during this period, Defendant denied Plaintiff the opportunity to participate in committees, and to attend conferences. Although Plaintiff is involved in developing much of the content of the library's web page including writing 38 (of 100) bibliographies, 8 (of 16) research guides, proposing posting bibliographies, creating new topics for research guides, creating and designing web sites for the for special collections and conservation departments of the

library, and is assigned to update and edit the library's web site, when she applied to participate in the web development committee, she was refused without explanation.

10. On or about December 5, 2001 Plaintiff's supervisor, Barbara Mitchell, told her that she would never be promoted at Harvard and that she should look elsewhere for employment. The reasons Ms. Mitchell gave were that Plaintiff had applied for too many positions, which had become a joke among her former colleagues at Widener, and that they saw Plaintiff as a "pretty girl" who wore "sexy outfits" and they had "heard things through the grape vine" about Plaintiff. She referred to plaintiff's "low cut blouses" and "tight clothing," even though plaintiff does not dress differently from young white women who work at the library, and there is no dress code at the library. Ms. Mitchell gave the name of a specific individual, the head of Instructional Services at Widener, Harvard's principal library, who had never met Plaintiff but said she would never hire Plaintiff and filled two positions Plaintiff applied for at Widener with significantly less qualified and experienced candidates. Ms. Mitchell stated further that Plaintiff should have no problem getting a job elsewhere because the first thing employers look for is a qualified black person.

ADMINISTRATIVE PROCEDURES

11. On January 23, 2002, Plaintiff attempted to file a complaint with the EEOC in Boston. An investigator, Jeanette Jimenez, refused to allow her to file, telling her she should first pursue her internal remedies at Harvard. Plaintiff did attempt to get relief through Harvard's affirmative action office and human

resources department but was told in April 2002 that nothing could be done even though her case was so "outrageous" that the Affirmative Action office had consulted Harvard's General Counsel and had sent Plaintiff's superiors to diversity training. Plaintiff returned to the EEOC on April 2, 2002, but Ms. Jimenez again declined to allow her to file a complaint stating that she should pursue her pending application at Harvard's Hilles' Library. Plaintiff made follow up calls and emails but could get no interview. On September 4 Ms. Jimenez promised to draft a complaint, but she did not do so until late October. Ms. Jimenez finally allowed Plaintiff to file a dual complaint dated October 25, 2002 with the EEOC and MCAD. Defendant declined mediation.

12. The EEOC dismissed her complaint on June 14, 2003, without contacting Plaintiff or holding a hearing, partly on the grounds that she did not file her complaint until October 25, 2002, making no reference to her earlier attempts to file. MCAD similarly dismissed without hearing her Complaint on June 24, 2003 citing the EEOC dismissal. Plaintiff has since learned that the dismissal was based on ex parte communications between Ms. Jimenez and Harvard's Assistant General Counsel.

COUNT 1

DISCRIMINATION (G. L. CH. 151B § 4)

13. Plaintiff incorporates ¶¶ 1 through 12 of this Complaint.
14. This conduct constitutes unlawful discrimination against Plaintiff on the basis of sex and race in violation of G. L. Chapter 151B § 4.

15. As a proximate result Plaintiff has and continues to suffer loss of earnings, job experience, retirement benefits and other employee benefits that she would have accrued absent discrimination.
16. Plaintiff has also incurred additional costs and expenses.
17. As a further result Plaintiff has suffered humiliation, mental pain and anguish, all to her damage.
18. The above mentioned acts were willful, wanton, malicious and oppressive and justify the award of exemplary damages.

COUNT II

DISCRIMINATION (42 USC 2000-e5)

19. Plaintiff incorporates ¶¶ 1 through 18 of this Complaint.
20. This conduct constitutes unlawful discrimination against Plaintiff on the basis of sex and race in violation of 42 USC 2000-e5.
21. As a proximate result Plaintiff has and continues to suffer loss of earnings, job experience, retirement benefits and other employee benefits that she would have accrued absent discrimination.
22. Plaintiff has also incurred additional costs and expenses.
23. As a further result Plaintiff has suffered humiliation, mental pain and anguish, all to her damage.

COUNT III

BREACH OF CONTRACT

24. Plaintiff incorporates ¶¶ 1 through 23 of this Complaint.
25. Plaintiff performed in accordance with her contract.

26. Defendant breached the contract as set forth above.

27. As a result Plaintiff has suffered damages.

COUNT IV

BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

28. Plaintiff incorporates paragraphs one through 27 above.

29. The above described agreement implies in law a covenant of good faith and fair dealing by which the Defendant promised not to impede Plaintiff from performing under the contract.

30. Defendant has breached the said implied covenant by refusing to judge Plaintiff on her ability and merit, refusing to grant her equal opportunity to advancement and violating its procedures on employment and transfer as a qualified candidate for positions in the university.

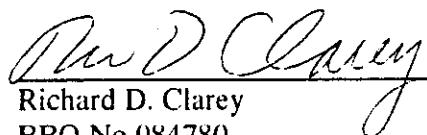
31. As a proximate result of Defendant's breach Plaintiff has suffered and continues to suffer damage.

WHEREFORE, Plaintiff requests:

- A. Back pay, reimbursement for lost pension, social security and other benefits and offer of promotion;
- B. Compensatory damages;
- C. Exemplary damages;
- D. Her costs, attorney's fees and such other and further relief as the court deems just and equitable.

Plaintiff demands a trial by jury on all issues triable by jury.

By her attorney:

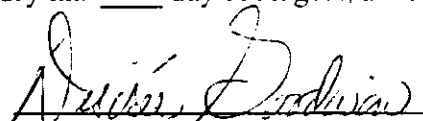


Richard D. Clarey
BBO No 084780
101 Tremont Street
Suite 800
Boston, MA 02108
(617) 728-0660

VERIFICATION

I, Desiree Goodwin, say that I am the Plaintiff herein, that I have read the foregoing Complaint, and that the same is true to the best of my knowledge and belief.

Signed under the pains and penalties of perjury this 26 day of August, 2003.


Desiree Goodwin

Opportunities

Job listings posted as of May 29, 2003

Harvard is not a single place, but a large and varied community. It is comprised of many different schools, departments and offices, each with its own mission, character and environment. Harvard is also an employer of varied locations. University employees work not just in Harvard Square, Cambridge, but in Boston's Longwood Medical Area and at the Harvard Business School, also in Boston.

Welcome to this week's listing of newly posted positions at Harvard University!

How to Apply:

To apply for an advertised position and/or for more information on these and other listings, please visit our Web site at www.atwork.harvard.edu/ employment to upload your resume and cover letter or send your resume and cover letter (including requisition number) to:

Harvard University Employment Services
Resume Processing Center
Req. # GAZ
11 Holyoke Street
Cambridge, MA 02138

Explanation of Job Grades:

Most positions at Harvard are assigned to a job grade listed below with each posting based on a number of factors including the position's duties and responsibilities as well as required

skills and knowledge.

The salary ranges for each job grade are stated in the chart on the right. Target hiring rates will fall within these ranges. These salary ranges are for full-time positions and are adjusted for part-time positions. Services & Trades positions are not assigned grade levels. The relevant union contract determines salary levels for these positions.

Other Opportunities:

All non-faculty job openings currently available at the University are listed on the Web at <http://www.atwork.harvard.edu/employment>, and at Employment Services located at 11 Holyoke St., Cambridge, MA 02138. The office is open Mon.-Fri., 9 a.m.-5 p.m. and walk-ins are welcome. There are also job postings available for viewing in the Longwood Medical area, 220 Longwood Ave., Goldenson Building. For more information, please call 432-1879.

In addition, Spherion Services, Inc., provides temporary secretarial and clerical staffing services to the University. If you are interested in temporary work at Harvard (full- or part-time), call Spherion at (817) 495-1500 or (617) 432-6200

Grade	Minimum	Maximum
047	\$20,520	\$29,736
048	21,810	31,944
049	22,608	33,408
050	24,072	35,880
051	25,656	38,544
052	27,792	42,216
053	30,168	46,224
054	32,712	50,568
055	35,496	55,392
056	39,636	66,072
057	45,768	77,376
058	51,576	88,296
059	58,128	102,816
060	68,424	124,560
061	80,712	150,936
062	95,256	182,856
063	118,904	230,760
064	145,112	288,648

vides temporary secretarial and clerical staffing services to the University. If you are interested in temporary work at Harvard (full- or part-time), call Spherion at (817) 495-1500 or (617) 432-6200

(Longwood area).

Additional Career Support for Harvard Staff:

A Web page on career issues, including links to career assessment, exploration, resources, and job listings, is available for staff at www.atwork.harvard.edu/ctd/career.html

IT Referral Program

Current Harvard staff or faculty members who refer a candidate to one of the Information Technology positions marked with "\$\$\$" are eligible for a cash reward—up to \$2,000—if the candidate they referred is hired. (Harvard University students, casual or temporary employees, Human Resources staff and career placement staff are not eligible to participate, nor are supervisory staff and faculty when hiring into their own unit.)

To refer a candidate, you can pick up an Information Technology Candidate Referral Form from your local HR office or print an IT Referral Bonus Form from the Web at

www.atwork.harvard.edu/news/index.html. The form must be filled out entirely and submitted along with the resume or application of the candidate being referred to your local HR office.

For further information about the IT Referral Program, including forms, bonus amounts and other details about how to refer a candidate for an IT position at Harvard, contact your local Human Resources office or visit www.atwork.harvard.edu/news/index.html

Harvard Employment Services provides free job-hunting information sessions for the general public at the Harvard Information Center every Wednesday from 5:30-6:30 p.m. at 1350 Massachusetts Ave.

Please Note:

The letters "SIC" at the end of a job listing indicate that there is a strong internal candidate (a current Harvard staff member) in consideration for this position.

Finance

Accounting Assistant (V) Req. 18740, Gr. 053
Faculty of Arts and Sciences/Molecular and Cellular Biology
Union: HUCTW, FT, SIC, (5/22/2003)

Financial Analyst Req. 16884, Gr. 057
Financial Administration/Financial Reporting
FT (5/15/2003)

Union: HUCTW, FT (5/29/2003)

Staff Assistant Req. 16884, Gr. 053
Alumni Affairs and Development/Harvard College Fund
Union: HUCTW, FT (5/15/2003)

Staff Assistant Req. 16797, Gr. 053
Alumni Affairs and Development/Harvard College Fund
Union: HUCTW, FT (5/29/2003)

Staff Assistant Req. 16798, Gr. 053
Alumni Affairs and Development/Harvard College Fund
Union: HUCTW, FT (5/29/2003)

Academic

Research Associate Req. 16861, Gr. 090
Harvard School of Public Health/Biostatistics
FT, SIC, (5/15/2003)

Principal Research Scientist Req. 16874, Gr. 090
Harvard School of Public Health/CBAR
FT, SIC, (5/15/2003)

Research Associate Req. 16862, Gr. 090
Harvard School of Public Health/Cancer Cell Biology
FT, SIC, (5/15/2003)

Alumni Affairs and Development/Harvard College Fund
FT (5/15/2003)

Director of Individual Giving Req. 16808, Gr. 060
Harvard School of Public Health/Office for Resource Development
FT (5/29/2003)

Communications

Communications Officer Req. 16818, Gr. 055
JFK School of Government/RCSIA

Subject: Initiative to Recruit a Diverse Workforce

Date: Tue, 07 Mar 2000 15:08:51 -0500

From: Shari Anderson <shari_anderson@harvard.edu>

To: hulinfo@sylvia.harvard.edu

MEMORANDUM TO: HUL Colleagues

FROM: Shari L. Anderson, SPHR>

Director of Human Resource Services - HCL>

RE: ARL Initiative to Recruit a Diverse Workforce

I write to invite your support and assistance in making an important educational opportunity known to your colleagues and other interested individuals. HCL, as a member of the Association of Research Libraries, is a partner with ARL in an initiative to recruit a diverse workforce. This initiative strives to make academic and research libraries more competitive in the recruitment of racially and ethnically diverse professionals. This Initiative offers stipends of up to \$5000 to attract and expose new library professionals from underrepresented groups to careers in academic and research libraries. ARL Initiative stipends can be coupled with any other financial aid package or scholarship in order to provide extra incentive for completing library school and taking advantage of the opportunity to work in an ARL library upon graduation.

Qualified applicants must: (1) be a member of a racial/ethnic minority group; (2) remain enrolled in at least 6 graduate credit hours per term through completion of the MLS or equivalent degree from an ALA accredited program; and (3) commit to working in an ARL library for a minimum of two years upon completion of their MLS program.

Applications are available in the HCL Human Resource Services office, Widener Library, Room 189. In addition, more detailed information regarding this Initiative is available at the ARL web site <http://www.arl.org/diversity/init/>.

Please share this information with nonlibrarian staff and other potential applicants.

Thank you very much.

Shari L. Anderson, SPHR
Director of Human Resource Programs and Services
Harvard College Library
Harvard University
Cambridge, MA 02138
Phone: 617-495-3721
Fax: 617-496-8672
E-mail: shari_anderson@harvard.edu

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3/8/00 8:43 AM